



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street
San Francisco, CA 94105-3901

March 31, 2022

Sent by email only

Travis Hurst
Carbon TerraVault 1, LLC
28590 Highway 119
Tupman, CA 93276

Subject: Underground Injection Control (UIC) Permit Application
 Carbon TerraVault 1, LLC (CTV) 26R Project
 Class VI Pre-Construction Permit No. R9UIC-CA6-FY22-3
 Technical Review of Application

Dear Mr Hurst,

The United States Environmental Protection Agency, Region 9 (EPA) has conducted a technical evaluation of the Site Characterization, AoR Modeling, and Operating Procedure Plan for the subject permit application. Based on this evaluation, we have identified additional information or clarification needed for continued evaluation of the permit application. These comments are included below, and in the three Enclosures.

Considerations of Specific Federal Laws

40 CFR §144.4 requires that EPA consider the potential applicability of several specific Federal Laws, including the Wild and Scenic Rivers Act (WSRA), National Historic Preservation Act (NHPA), Endangered Species Act (ESA), Coastal Zone Management Act (CZMA), and the Fish and Wildlife Conservation Act (FWCA). To expedite our consideration of these laws, please describe how the proposed project will satisfy applicable requirements under those Federal Laws. For the ESA and NHPA, we have included some guidance below to assist you with obtaining the required information.

Endangered Species Act (ESA)

The ESA requires EPA to ensure, in consultation with the U.S. Fish and Wildlife Services (FWS), that any action authorized by EPA is not likely to jeopardize the continued existence of any endangered or threatened species or adversely affect its critical habitat. We recommend that you use FWS's project planning tool to map out your project area and do a search for potential endangered species within the project area. The tool can be accessed here: <https://ecos.fws.gov/ipac/>.

Based on the results of your search, you may need to hire a Wildlife Consultant to provide additional analysis or otherwise show how your project will not cause harm to endangered species with habitat located near the CTV 26R project area. Please provide a report depicting the results of the FWS project planning tool, including a map of the project area and any listed endangered or threatened species habitat near the site. Please include any comments or reports made by a Wildlife Consultant, if applicable.

National Historic Preservation Act (NHPA)

NHPA §106 requires a federal agency to take certain steps before it commits to any "undertaking," including the issuance of a permit or license, that has the potential to adversely affect property that is listed, or eligible for listing, in the National Register for Historic Places. The NHPA requires EPA, before issuing a permit, to adopt measures when feasible to mitigate potential adverse effects of the permitted activity and properties listed or eligible for listing in the National Register of Historic Places. The Act's requirements are to be implemented in cooperation with State Historic Preservation Officer and upon notice to, and when appropriate, in consultation with the Advisory Council on Historic Preservation.

To facilitate EPA's consideration of NHPA compliance for CTV's proposed project, we request that you identify the Historic Places designated in the National Register for Historic Places (<https://www.nps.gov/subjects/nationalregister/database-research.htm>) in close proximity to the CTV 26R project site. Based on the results of your review of the National Register of Historic Places listings in Kern County, you may need to hire an archaeologist to provide additional analysis or otherwise show how your project will not adversely affect the identified historic places located near the CTV 26R project site. Please provide a list of the Historic Places near the site. Please include any comments or reports made by an archaeologist, if applicable.

Please submit the information requested in the Enclosures, and regarding compliance with the above referenced Federal Laws by May 16, 2022. If you have any questions about this letter and the Enclosures, please contact me at (415) 972-3971, or Elise Nord at (415) 972-3079.

Sincerely,

David Albright
Manager, Groundwater Protection Section

Enclosures: Site Characterization Evaluation
AoR Modeling Evaluation
Operation Procedure Evaluation

cc (via email): Mark Ghann-Amoah, CalGEM Inland District
Clay Rodgers, Central Valley Regional Water Quality Control Board
Janice Zinky, CA State Water Resources Control Board
Amit Garg, CalGEM